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7 FRANK FERRARA and CHARLIE FERRARA

8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

10  
11 CORY SPENCER, an individual; DIANA  
12 MILENA REED, an individual; and  
13 COASTAL PROTECTION RANGERS,  
INC., a California non-profit public  
benefit corporation,

14 Plaintiff,

15 vs.

16 LUNADA BAY BOYS; THE  
17 INDIVIDUAL MEMBERS OF THE  
LUNADA BAY BOYS, including but not  
limited to SANG LEE, BRANT  
18 BLAKEMAN, ALAN JOHNSTON AKA  
JALIAN JOHNSTON, MICHAEL RAE  
19 PAPAYANS, ANGELO FERRARA,  
FRANK FERRARA, CHARLIE  
20 FERRARA; CITY OF PALOS VERDES  
ESTATES; CHIEF OF POLICE JEFF  
21 KEPLEY, in his representative capacity;  
and DOES 1-10,

22 Defendants.  
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Case No. 2:16-cv-2129

Judge: Hon. S. James Otero  
Dept: Courtroom 10C

Magistrate Judge:  
Hon. Rozella A. Oliver

**DEFENDANT CHARLIE  
FERRARA'S NOTICE OF  
MOTION AND MOTION FOR  
SUMMARY JUDGMENT OR, IN  
THE ALTERNATIVE, PARTIAL  
SUMMARY JUDGMENT**

*[Filed concurrently with Memorandum  
of Points and Authorities; Request for  
Judicial Notice of Adjudicative Facts;  
Declaration of Tiffany Bacon; Notices  
of Lodging; proposed Statement of  
Uncontroverted Facts and Conclusions  
of Law and [Proposed] Judgment  
lodged herewith]*

Date: August 21, 2017  
Time: 10:00 a.m.  
Dept: Courtroom 10C

Complaint Filed: March 29, 2016  
Trial Date: November 7, 2017

1 **TO THE HONORABLE COURT AND TO ALL PARTIES AND THEIR**  
 2 **RESPECTIVE ATTORNEYS OF RECORD:**

3 PLEASE TAKE NOTICE that on August 21, 2017 at 10:00 a.m., or as soon  
 4 thereafter as the matter may be heard in Courtroom 10C of the above-entitled Court,  
 5 located at 350 W. 1st Street, Los Angeles, California 90012, Defendant CHARLIE  
 6 FERRARA ("Defendant" or "Charlie Ferrara") will move and hereby does move for  
 7 summary judgment in his favor and against Plaintiffs CORY SPENCER ("Spencer"),  
 8 DIANA MILENA REED ("Reed") and COASTAL PROTECTION RANGERS,  
 9 INC. ("Rangers") (collectively, "Plaintiffs"), or, in the alternative, partial summary  
 10 judgment on Plaintiffs' causes of action for Bane Act, Public Nuisance, Assault and  
 11 Battery Only. This Motion is made following the conference of counsel pursuant to  
 12 Local Rule 7-3 which took place on July 12, 2017. (Declaration of Tiffany Bacon,  
 13 ¶ 3.)

14 Pursuant to *Federal Rules of Civil Procedure*, Rule 56, Defendant's Motion is  
 15 made on the ground there is no genuine dispute as to any material fact and Defendant  
 16 is entitled to judgment as a matter of law. Plaintiffs have asserted the following  
 17 causes of action against Defendant: (1) Bane Act; (2) Public Nuisance; (3) Assault;  
 18 (4) Battery; and (5) Negligence.<sup>1</sup> Defendant is entitled to judgment in his favor on  
 19 all of Plaintiffs' causes of action. Defendant respectfully requests this Court enter  
 20 Summary Judgment in favor of Defendant on all of Plaintiffs' causes of action  
 21 alleged in their Complaint.

22 **ISSUE 1:** Defendant is entitled to Summary Judgment on all of Plaintiffs'  
 23 causes of action, including Bane Act, Public Nuisance, Assault, Battery, and  
 24 Negligence, as Plaintiffs' claims are without merit.

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 27 <sup>1</sup> In or around July 22, 2016, the Court declined to exercise supplemental jurisdiction over  
 28 Plaintiffs' Fifth Cause of Action for Violation of California Coastal Act.

1 In the alternative, the Court should grant Partial Summary Judgment on the  
2 following causes of action Only:

3 **ISSUE 2:** Defendant is entitled to Partial Summary Judgment on Plaintiffs'  
4 First Cause of Action for Bane Act, as Plaintiffs' claim is without merit.

5 **ISSUE 3:** Defendant is entitled to Partial Summary Judgment on Plaintiffs'  
6 Second Cause of Action for Public Nuisance, as Plaintiffs' claim is without merit.

7 **ISSUE 4:** Defendant is entitled to Partial Summary Judgment on Plaintiffs'  
8 Sixth Cause of Action for Assault, as Plaintiffs' claim is without merit.

9 **ISSUE 5:** Defendant is entitled to Partial Summary Judgment on Plaintiffs'  
10 Seventh Cause of Action for Battery, as Plaintiffs' claim is without merit.

11 This Motion is brought pursuant to *Federal Rules of Civil Procedure*, Rule 56  
12 and Local Rules 56-1 to 56-3 of the Central District of California and is based upon  
13 this Notice, the Memorandum of Points served and filed herewith, the Statement of  
14 Uncontroverted Facts and Conclusions served and filed herewith, the Declaration of  
15 Tiffany Bacon served and filed herewith, the Request for Judicial Notice of  
16 Adjudicative Facts served and filed herewith, the orders and pleadings in the Court's  
17 file herein, the files and records in this action, and upon any other evidence or oral  
18 argument as may be permitted on this Motion, and such matters as to which judicial  
19 notice may be taken.

20 Dated: July 24, 2017

BREMER WHYTE BROWN & O'MEARA  
LLP

21  
22 By: 

23 Alison K. Hurley  
24 Tiffany L. Bacon  
25 Attorneys for Defendants  
26 FRANK FERRARA and CHARLIE  
27 FERRARA  
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**PROOF OF SERVICE**

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 20320 S.W. Birch Street, Second Floor, Newport Beach, California 92660.

On July 24, 2017, I served the within document(s) described as:

DEFENDANT CHARLIE FERRARA'S NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, PARTIAL SUMMARY JUDGMENT

on the interested parties in this action as stated on the attached mailing list.

☒ (BY ELECTRONIC SERVICE) Complying with Code of Civil Procedure § 1010, I caused such document(s) to be Electronically Filed and Served through the \_for the above-entitled case. Upon completion of transmission of said document(s), a filing receipt is issued to the filing party acknowledging receipt, filing and service by 's system. A copy of the [Email receipt System] filing receipt page will be maintained with the original document(s) in our office.

Executed on July 24, 2017, at Newport Beach, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Hailey Williams  
(Type or print name)

  
(Signature)

**Cory Spencer v. Lunada Bay Boys et al.,****Case No. 2:16-cv-2129-SJO****BWB&O CLIENT: Frank and Charlie Ferrara**  
**BWB&O FILE NO.: 1178.176****SERVICE LIST**

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<p>Mark Fields, Esq. <b>LAW OFFICES OF MARK C. FIELDS</b> 333 So. Hope Street Suite 3500 Los Angeles, CA 90071 (213) 617-5225 (213) 629-2420 Fax Attorney For <b>ANGELO FERRARA an individual member of LUNADA BAY BOYS and N.F. an individual member of LUNADA BAY BOYS</b></p> <p><a href="mailto:fields@markfieldslaw.com">fields@markfieldslaw.com</a></p>	<p>Peter R. Haven, Esq. <b>HAVEN LAW</b> 1230 Rosecrans Avenue Suite 300 Manhattan Beach, CA 90266 (310) 272-5353 (213) 477-2137 Fax Attorneys For <b>MICHAEL RAY PAPAYANS</b></p> <p><a href="mailto:peter@havenlaw.com">peter@havenlaw.com</a></p>	<p>Dana Alden Fox, Esq. <b>LEWIS BRISBOIS BISGAARD &amp; SMITH, LLP</b> 633 W. 5<sup>th</sup> Street Suite 4000 Los Angeles, CA 90071 (213) 580-3858 (213) 250-7900 Fax Attorneys For <b>SANG LEE</b></p> <p><a href="mailto:Dana.Fox@lewisbrisbois.com">Dana.Fox@lewisbrisbois.com</a></p>